

EXHIBIT 161

to Space Data's Opposition to Defendants'
Motion for Summary Judgment

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 3 SAN JOSE DIVISION

4 Case No. 5:16-cv-03260-BLF (NC)

5 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

6 _____
 X

7 SPACE DATA CORPORATION,

8 Plaintiff,

9 vs.

10 ALPHABET, INC., GOOGLE, LLC, and

11 LOON, LLC,

12 Defendants.

13 _____
 X

14 VIDEOTAPED DEPOSITION OF ROBERT JOHN
 15 HANSMAN, JR., Ph.D., a witness called on behalf of
 16 the Plaintiff, taken pursuant to the applicable
 17 provisions of the Federal Rules of Civil Procedure,
 18 before Valerie R. Johnston, Registered Professional
 19 Reporter and Notary Public in and for the
 20 Commonwealth of Massachusetts, at the Offices of
 21 O'Brien & Levine Court Reporting Solutions, at 68
 22 Commercial Wharf, Boston, Massachusetts, on
 23 Thursday, December 13, 2018, commencing at 10:16 a.m.

24

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1 Space Data that have been produced in the -- in
2 discovery in this action. It is my understanding
3 that I've -- that I haven't seen all of the
4 photographs that were produced in discovery.

Q. How many are missing?

6 MR. KAMBER: Objection. Argumentative,
7 asked and answered, foundation, assumes facts not in
8 evidence.

A. I don't know that any are missing.

10 Q. Okay. Who's Mini Ingersol, please?

11 MR. KAMBER: Objection. Foundation.

Category	Frequency
0	1
1	100
2	100
3	100
4	100
5	100
6	100
7	100
8	100
9	100
10	100
11	100
12	1000

23 Q. How many people from Google toured the
24 Chandler, Arizona facility?

25 A. I don't know the exact number.

1 Q. Give me your best sense, please.

2 MR. KAMBER: Objection. Calls for
3 speculation, lack of foundation.

4 A. Yeah. Just based on people in the pictures
5 and whatever looked to be somewhere around seven to
6 ten. I don't know.

7 Q. How many of -- of them were engineers for
8 Google?

9 MR. KAMBER: Objection. Foundation.

10 A. I -- I don't know.

11 Q. How long did the tour last?

12 MR. KAMBER: Objection. Foundation.

13 A. I don't know.

14 Q. What were they showing during the tour,
15 please?

16 MR. KAMBER: Objection. Foundation.

17 A. Some of the things they were showing during
18 the tour was the launch of a balloon. They were
19 shown -- there's a -- a picture in the location
20 where the balloons are dipped. They seem -- were
21 shown an assembly area, and they were shown the
22 network operations center, I believe. I don't know
23 what else.

24 Q. All right, sir. What was said by Space
25 Data about its use of wind data during that tour,

1 computer.

2 Q. Who's Dan McCloskey, please?

3 MR. KAMBER: Objection. Foundation.

4 A. The name is familiar, but I can't recall
5 specifically.

6 Q. Who's Michael Pearson, please?

7 A. I don't know.

8 MR. KAMBER: Objection. Foundation.

9 Q. You talk about the residuals clause in the
10 NDA in your report, do you not, sir?

11 A. Can you point me to where that is.

12 Q. No. I'm asking to see what you recall
13 first. Do you -- do you recall talking about the
14 party's NDA at all?

15 MR. KAMBER: Objection. Vague as to you're
16 referring to a portion of his report, but you're
17 refusing to actually point him to it.

18 A. (Witness reviews documents) I don't think I
19 talked about it but...

20 Q. Well, let me ask you this question: Is it
21 your opinion, sir, in this case that Google relied
22 on its unaided memory of what it learned from Space
23 Data in its Loon work?

24 MR. KAMBER: Objection. Vague.

25 A. I don't know that there was anything

1 particularly relevant from the Space Data. So I
2 don't know whether they relied on their unaided
3 memory or not.

4 Q. Okay. And you're not intending to offer
5 any opinion on that issue in this case?

6 A. I was only asked to look at the specific
7 materials. That's all I've looked at.

8 Q. When did Google hire Richard DeVaul?

9 MR. KAMBER: Objection. Foundation.

10 A. I don't know.

11 Q. What's Google's affirmative defense in its
12 first answer in this case?

13 MR. KAMBER: Objection. Foundation.

14 A. What was the question again?

15 Q. What's Google's first affirmative defense
16 in its first answer in this litigation, Dr.
17 Hansman?

18 A. I don't know.

19 Q. It's independent development. What does
20 the phrase, independent development, mean to you?

21 MR. KAMBER: Objection. Foundation, vague,
22 calls for a legal opinion.

23 A. Yeah. I don't know what the legal
24 definition is.

25 Q. Have you ever heard of the phrase,

1 independent development, in your many years in this
2 business?

3 A. Not --

4 MR. KAMBER: Objection. Vague.

5 A. -- exactly that -- that way. You know, I
6 mean, from the construct developed independently.

7 Q. All right. And are you aware that Google
8 has the burden of proof on showing or proving
9 independent development?

10 MR. KAMBER: Objection. Foundation, calls
11 for a legal opinion.

12 A. I don't know the legal basis.

13 Q. Can you explain can Google didn't have an
14 opening report on Loon independent development?

15 MR. KAMBER: Objection. Foundation, calls
16 for a legal opinion.

17 A. No.

22 MR. KAMBER: Objection. Foundation.

Q. You don't know who Richard DeVaul is, right? We've already established that.

25 A. Yeah.

1 MR. KAMBER: Objection. Asked and
2 answered.

3 Q. And can you describe what DeVaul's role in
4 the Loon development was at any level?

5 MR. KAMBER: Objection. Foundation, vague.

6 A. No.

7 Q. Who's Dan Piponi?

8 A. I don't know.

9 MR. KAMBER: Objection. Foundation.



16 Q. One way or the other?

17 MR. KAMBER: Same objections.

18 Q. Who's Astro Teller?

19 MR. KAMBER: Objection. Foundation.

20 A. Astro Teller?

21 Q. Yeah.

22 A. I don't know Astro Teller.

23 Q. Who is Cliff Biffle?

24 MR. KAMBER: Objection. Foundation.

25 A. I don't know.

1 Q. Did Biffle play any role in the development
2 of Loon and Google?

3 MR. KAMBER: Objection. Foundation.

4 A. I don't know.

5 Q. Did Astro Teller play any development --
6 any role in the development of Loon and Google?

7 MR. KAMBER: Objection. Foundation.

8 A. Since I don't know who they are, I have no
9 knowledge.

10 Q. That would follow, who's Sebastian Thrun,
11 T-H-R-U-N?

12 MR. KAMBER: Objection. Foundation.

13 A. Sebastian Thrun is a -- is a AI control
14 theory guy who I believe was at Stanford and may
15 have been at Caltech. I can't recall.

16 Q. Did Astro Teller have any role in
17 developing Loon at Google?

18 MR. KAMBER: Objection. Foundation.

19 A. Astro Teller? I don't know.

20 Q. Did Sebastian Thrun play any role in
21 developing Loon and Google?

22 MR. KAMBER: Objection. Foundation.

23 A. I don't know if he had any role in Loon. I
24 he's had other roles at Google.

25 Q. Yeah. He was the founder of what became

1 known as Waymo, isn't that correct, sir?

2 MR. KAMBER: Objection. Foundation --

3 A. He -- he --

4 MR. KAMBER: -- assumes facts not in
5 evidence.

6 A. He was involved with it. Whether he was
7 the founder I don't know.

The figure consists of a series of horizontal black bars of varying lengths and positions. The bars are arranged in a grid-like pattern, with some bars being significantly longer than others. There are also small, separate black squares positioned at various points along the horizontal axis.

Q. Is there a relationship between Eric Teller

1 and Astro Teller, do you know?

2 MR. KAMBER: Objection. Foundation.

3 A. I don't know.

4 Q. Please look at the '678 and confirm that

5 Eric Teller is a named inventor.

A. (Witness reviews document) Yes. Eric
Teller is listed as a named inventor.

8 Q. Yeah. I'll tell you that's the same guy,
9 Astro. Astro is -- is Nicknamed not for Astroturf
10 but because he had a haircut that looked like
11 Astroturf when he was a high school student.

12 Do you see that Cliff Biffle is another
13 named inventor?

14 A. Yes.

15 Q. Josh Weaver?

16 A. Yes.

The figure is a horizontal bar chart illustrating the distribution of publications over time. The vertical axis (y-axis) is labeled 'Number of publications' and ranges from 0 to 100, with major tick marks at 0, 50, and 100. The horizontal axis (x-axis) is labeled 'Year' and shows the years from 1990 to 2010, with major tick marks every two years: 1990, 1992, 1994, 1996, 1998, 2000, 2002, 2004, 2006, 2008, and 2010. Each year is represented by a thick black horizontal bar. The length of each bar corresponds to the number of publications for that year. There are several notable features: a low count in 1990 (~10), a sharp increase to a peak of ~95 in 2000, followed by a decline to ~75 in 2002; another peak of ~90 in 2004; a drop to ~65 in 2006; a rise to ~85 in 2008; and a final peak of ~95 in 2010.

[REDACTED]

5 Q. So Meyer does a damage report where she
6 assumes, as every damage expert does, liability.
7 Google's lawyers give you their report and say we
8 want you to do a technical rebuttal saying there was
9 no trade secret misappropriation or breach of the
10 contract, is that right?

11 MR. KAMBER: Objection. Argumentative,
12 vague, compound. It also misstates the Meyer
13 report.

14 A. So what I -- what I said in my report is
15 that Dr. Meyer's report offers opinions concerning
16 Space Data's alleged damages with respect to Space
17 Data's misappropriation and breach. Contract claims
18 in connection with those opinions that included
19 various statements assumptions and purported
20 understandings about Google's exposure to and use of
21 asserted trade secrets and their supposed benefit to
22 Google in its development of Loon. I've been asked
23 by Google to assess the reasonableness and accuracy
24 of various of Dr. Meyer's statements, assumptions,
25 and understandings pertaining to the asserted

1 COMMONWEALTH OF MASSACHUSETTS)

2 SUFFOLK, SS.)

3 I, Valerie Rae Johnston, Shorthand Reporter
4 and Notary Public in and for the Commonwealth of
5 Massachusetts, do hereby certify that there came
6 before me on the 13th day of December 2018 at X
7 p.m., the
8 person hereinbefore named, who was by me duly
9 sworn to testify to the truth and nothing but the
10 truth of his knowledge touching and concerning the
11 matters in controversy in the cause; that he was
12 thereupon examined upon his oath, and his
13 examination reduced to typewriting under my
14 direction; and that the deposition is a true
15 record of the testimony given by the witness.

16 I further certify that I am neither attorney
17 or counsel for, no related to or employed by, any
18 attorney or counsel employed by the parties hereto
19 or financially interested in the action.

20 In witness whereof, I have hereunto set my
21 hand and affixed my notarial seal this 20th day
22 of December 2018.

23

24 Notary Public

25

My commission expires: 8/5/22